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Of Attorneys for Defendants Gormley
and City of McMinnville

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

WAYNE MCFARLIN,
Plaintiff,

v.

EDWARD GORMLEY, an individual; CITY
OF MCMINNVILLE, a Municipal
Corporation; CITY COUNTY INSURANCE
SERVICES TRUST; ROD BROWN, an
individual; PUBLIC SAFETY LIABILITY
MANAGEMENT INC., an Oregon
corporation; WALDO FARNHAM,
Defendants.

No. 3:06-CV-1594-HU

**AFFIDAVIT OF KAREN O’KASEY
IN SUPPORT OF DEFENDANTS
EDWARD GORMLEY AND CITY
OF MCMINNVILLE’S MOTION TO
STRIKE EVIDENCE SUBMITTED
IN RESPONSE TO MOTION FOR
SUMMARY JUDGMENT**

STATE OF OREGON)
) ss.
County of Multnomah)

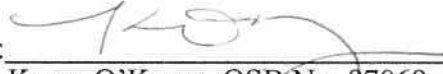
I, Karen O’Kasey, being first duly sworn do depose and say:

1. I am the attorney representing defendants Edward Gormley and the City of McMinnville on the above entitled matter.

2. I took the deposition of Wayne McFarlin. Attached to this affidavit are true and correct copies of excerpts from that deposition.

DATED this 30th day of November 2007.

HOFFMAN, HART & WAGNER, LLP

By: 
Karen O'Kasey, OSB No. 87069
Of Attorneys for Defendants Edward
Gormley and City of McMinnville

SUBSCRIBED AND SWORN TO before me this 30th day of November 2007.




Notary Public for Oregon
My Commission Expires: Feb 15, 2009

CERTIFICATE OF SERVICE

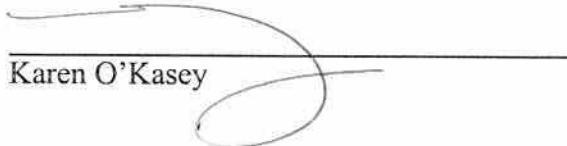
I hereby certify that on the 30th day of November 2007, I served the foregoing
AFFIDAVIT OF KAREN O'KASEY IN SUPPORT OF DEFENDANTS EDWARD
GORMLEY AND CITY OF MCMINNVILLE'S MOTION TO STRIKE EVIDENCE
SUBMITTED IN RESPONSE TO MOTION FOR SUMMARY JUDGMENT on the following
parties at the following addresses:

Terrence Kay, P.C.
Attorney at Law
3155 River Road S., Suite 150
Salem, OR 97302

Robert S. Wagner
Miller & Wagner LLP
2210 NW Flanders St.
Portland, OR 97210

Walter Sweek
Cosgrave Vergeer Kester LLP
805 SW Broadway, 8th Floor
Portland, OR 97205

by electronic means through the Court's Case Management/Electronic Case File system.


Karen O'Kasey

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

WAYNE McFARLIN,)	
)	
Plaintiff,)	
)	
vs.)	No. 3:06-CV-1594-HU
)	
EDWARD GORMLEY, an individual;)	
CITY OF McMinnville, a municipal)	
corporation; CITY COUNTY INSURANCE)	VOLUME II
SERVICES TRUST; ROD BROWN, an)	
individual; PUBLIC SAFETY)	
LIABILITY MANAGEMENT, INC., an)	
Oregon corporation; WALDO FARNHAM,)	
)	
Defendants.)	

BE IT REMEMBERED That, pursuant to stipulation of
counsel for the respective parties, previously set out,
THE DEPOSITION OF WAYNE McFARLIN
was taken before Christine Spencer, Certified Shorthand
Reporter for Oregon, on August 22, 2007, at Mr. Kay's
offices in Salem, Oregon, at 9:10 a.m.

CHRISTINE SPENCER
Court Reporter
255 Kashmir Court SE
Salem, Oregon 97306
503-363-6677

1 police department. Communicating in the liaison between the
2 police department issues and the finance department, and
3 some personnel issues.

4 My wife and I also socially met with them, her and
5 her husband Andy occasionally. Not frequently, but at least
6 once, maybe twice.

7 Q. During the meetings that you had with Ms.
8 Benedict, did you ever raise your voice at her?

9 A. No.

10 Q. Were you ever aware that Ms. Benedict had
11 complained about your behavior in a meeting that the two of
12 you had had?

13 A. No.

14 Q. As the chief of police during the five years that
15 you were at the City of McMinnville, how many due process
16 hearings do you think you were involved in?

17 A. A couple, maybe three.

18 Q. And as the chief of police of the City of
19 McMinnville, I assume that you were familiar with the terms
20 of the collective bargaining agreement that the officers are
21 subject to?

22 A. Yes.

23 Q. And that collective bargaining agreement included
24 due process requirements before an officer could be
25 discharged?

1 A. Yes.

2 Q. I also assume that as the chief of police of the
3 City of McMinnville, you're familiar with the state statutes
4 that provide for due process for officers in the absence of
5 a collective bargaining agreement?

6 A. Yes.

7 Q. Between the meeting, the first meeting that you
8 had with Mayor Gormley, Mr. Olson and Mr. Taylor, and the
9 day that you signed the resignation agreement, did you ask
10 anyone at the city for a due process hearing yourself?

11 A. No. I didn't know that there was allegations
12 against me.

13 MS. O'KASEY: That's all I have. Thank you.

14 MR. KAY: Thank you.

15 (Discussion off the record.

16 Deposition recessed at 11:50 a.m.)

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C E R T I F I C A T E

STATE OF OREGON)
) ss.
COUNTY OF MARION)

I, Christine Spencer, a Certified
Shorthand Reporter for Oregon, certify that, pursuant to
stipulation of counsel for the respective parties,
previously set forth,

WAYNE McFARLIN

personally appeared before me at the time and place set
forth in the foregoing matter; that thereafter my notes were
reduced to typewriting under my direction and the foregoing
transcript, pages 221 to 305 both inclusive, constitutes a
full, true and accurate record of such testimony adduced
and oral proceedings had and of the whole thereof.

7th Witness my hand and seal at Salem, Oregon, this
day of September, 2007.

Christine Spencer
Christine Spencer
Certified Shorthand Reporter
Certificate No. 90-0022

